IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9667 of 2004

Between:
1 Munukuru Muralidhara Reddy, S/o. Sri M. Balakrishna Reddy, Epuru Village, Muthukuru Mandal, Nellore District.
2 Perneti Kodandaramaswamy Reddy, S/o. P. Subbarami Reddy, Venkanna Palem, H/o.Ekuru Village, Muthukuru Mandal, Nellore District.
3 Smt. Isanaka Indiramma, W/o. Sri Isanaka Babu Reddy, Ekuru Village, Muthukuru Mandal, Nellore District.
4 Vudatha Venkata Seshaiah, S/o. Sri Vudatha Veeraiah, Mittapalem, Ekuru Village, Muthukuru Mandal, Nellore District.
5 Eduru Eswaraiah, S/o. Sri Eduru Gerikaiah, Mittapalem, Ekuru Village, Muthukuru Mandal, Nellore District.

..... PETITIONERS

AND
1 The Assistant Commissioner, Endowments Department, Nellore District.
2 The Regional Joint Commissioner, Multi Zone - II, Endowments Department, Tirupati, Chittoor District.
3 Isanaka Balakirshna Reddy, S/o. Narayana Reddy, Venkanna Palem, Doruvula Palem Post, H/o. Ekuru Village, Muthukuru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction particularly a Writ of Mandamus, declaring the order dated 25-05-2004 in I.A.No.5/2004 in R.P.No.4/2004 of the 2nd Respondent as illegal, irregular, arbitrary, unreasonable, unjustified, and unsustainable and set aside the same

Counsel for the Petitioners: Mr.P.VEERA REDDY

Counsel for the Respondents 1&2: SC FOR ENDOWMENTS

Counsel for Respondent No.3: Mr. P. SREEDHAR REDDY, ADVOCATE

The Court made the following ORDER:

This writ petition is filed by the petitioners aggrieved by the interim order passed by the second respondent in I.A.No.5 of 2004 in R.P.No.4 of 2004, dated 25.05.2004, under which the appointments of the petitioners as Non-Hereditary Trust Board members was suspended pending disposal of the revision filed before him.

2. It is the case of the petitioners that they were appointed as members of the Non-Hereditary Trust Board by the proceedings of the first respondent dated 29.12.2003 to “Sri Chennakeshava Swamy Temple”, Epuru village, Muthukuru Mandal, Nellore district. It is also their further case that on 08.01.2004 oath was administered to them. As the first petitioner was elected as Chairman of the elected Board of Trust on 09.01.2004 and since they have been functioning as members of the Trust Board of the above said Temple. Against the said order, the third respondent preferred revision before the second respondent. Though an interim application was filed seeking stay, no order was passed by the second respondent. Therefore, the petitioner had approached this Court by filing W.P.No.3485 of 2004, which was disposed of by this Court directing the second respondent to dispose of I.A.No.5 of 2004 in R.P.No.4 of 2004. Consequently, the second respondent passed the impugned order on 25.05.2004 staying the orders of the petitioners as members of the Trust Board. Aggrieved by that, the petitioners have come up with the present writ petition.

3. The learned counsel for the petitioners contended that the petitioners have assumed of their office and are functioning as such and by virtue of the stay granted by the second respondent, the petitioners

are prevented from discharging the functions as members of the Trust Board and therefore, sought for to vacate the stay order passed by the second respondent. It is also contended that the second respondent passed the said order of stay after five months of their assumption of office and the said order passed by way of interim arrangement is not legal and sustainable.

4. The learned counsel appearing for the third respondent, however, contended that he was appointed as a Hereditary Trustee in the year 1976 and from time to time, orders were being passed, under which he has been continuing in the management. It is further stated that he filed O.A for declaration as founder trustee on 01.01.2000 and the said O.A. is still pending. Therefore, there is no justification in appointing the petitioners as members of the Hereditary Trust Board. When the third respondent's claim is pending, it is stated that the O.A. filed by the third respondent was dismissed on 27.12.2003, against which he filed a revision before the Revisional Authority and immediately after the dismissal of the above O.A. the Non-Hereditary Trust Board was constituted by the first respondent appointing the petitioners as members. Therefore, the learned counsel sought to contend that the appointment of the petitioners as members of the non-hereditary trust board is illegal and unsustainable. It is also stated that revision itself is listed for hearing. Therefore, status quo as on today shall be continued.

5. Heard both sides and considered the material available on record. Without going into the merits of the rival contentions, since revision itself is pending before the second respondent, the impugned order of stay is set aside and status quo obtaining as on today as regards the order dated 25.05.2004 in I.A.No.5 of 2004 in R.P.No.4 of 2004 of the second respondent shall continue, pending disposal of the R.P.No.4 of 2004. The second respondent is further directed to dispose of the revision expeditiously.

6. The writ petition is accordingly disposed of with the above directions.

21.06.2004
va

To
1 The Assistant Commissioner, Endowments Department, Nellore District.
2 The Regional Joint Commissioner, Multi Zone - II, Endowments Department, Tirupati, Chittoor District.
3. Two CD copies